

**MINUTE ITEM**

This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 3 to 2 at its 11-01-06 meeting.

**CALENDAR ITEM**

**C01**

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11/01/06  
PRC 3550.9  
R. Barham

**RECISSION OF A RECREATIONAL PIER LEASE AND  
THE ISSUANCE OF A NEW RECREATIONAL PIER LEASE**

**LESSEES/APPLICANTS:**

Gary D. Crosswhite and Lynn P. Crosswhite

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Proposed modification of an existing pier, the removal and relocation of six existing pilings, the installation of a boat lift, and the retention of two existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning October 1, 2006.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Lessees obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

**OTHER PERTINENT INFORMATION:**

1. Lessees own the upland property adjoining the lease premises.

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2. On December 8, 2005, the Commission authorized a new Recreational Pier Lease with Gary D. and Lynn P. Crosswhite for an existing pier, two mooring buoys, and five pilings. Shortly after Commission authorization, Lessees submitted a new application for a proposed pier modification, the installation of a new boat lift, and the removal and relocation of six pilings, and the retention of two mooring buoys. Since the Lease was never executed, staff is recommending that the authorization made by the Commission at its December 6, 2005, meeting be rescinded and that the Commission issue a new Recreational Pier Lease to include the previously authorized improvements and proposed pier modification project, and the one additional piling.
3. On October 13, 2006, staff signed a letter of non-objection that allowed the modification of the existing pier, the removal and relocation of six existing pilings and the installation of a boatlift to begin prior to Commission consideration.
4. Lessees qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
5. **Rescission of Prior Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.  
  
Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, section 15060(c)(3) and 15378.
6. **Pier Modification and Removal and Relocation of Pilings:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations section 2905.

7. **Boat Lift and Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 Title (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVAL OBTAINED:**

**Pier, Boat Lift and Pilings:** Tahoe Regional Planning Agency

**APPROVALS REQUIRED:**

**Buoys:** Tahoe Regional Planning Agency

**Pier Modification:** California Department of Fish and Game and the U. S. Army Corps of Engineers

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**RESCISSION OF PRIOR LEASE:** FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO

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TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**PIER MODIFICATION AND REMOVAL AND RELOCATION OF PILINGS:** FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b).

**BOAT LIFT AND TWO MOORING BUOYS:** FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE RESCISSION OF A RECREATIONAL PIER LEASE, LEASE NO. 3550.9, ISSUED TO GARY D. AND LYNN P. CROSSWHITE, AND APPROVED BY THE COMMISSION ON DECEMBER 6, 2005.

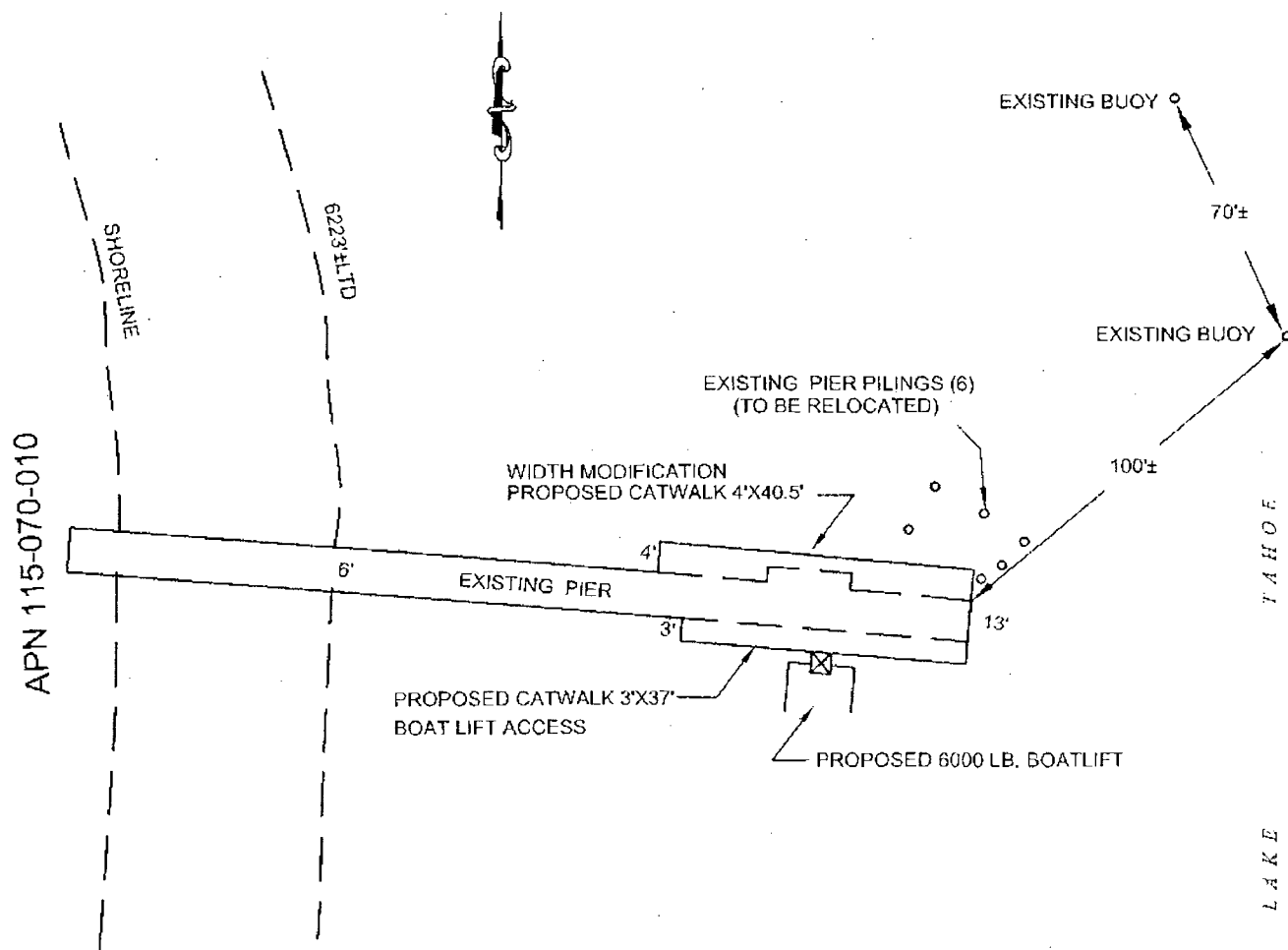
AUTHORIZE ISSUANCE TO GARY D. CROSSWHITE AND LYNN P. CROSSWHITE OF A RECREATIONAL PIER LEASE, BEGINNING OCTOBER 1, 2006, FOR A TERM OF TEN YEARS, FOR THE MODIFICATION OF AN EXISTING PIER, THE REMOVAL AND RELOCATION OF SIX EXISTING PILINGS, INSTALLATION OF A BOAT LIFT AND THE RETENTION OF TWO EXISTING MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEROF; NO MONETARY CONSIDERATION PURSUANT TO

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PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE  
IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

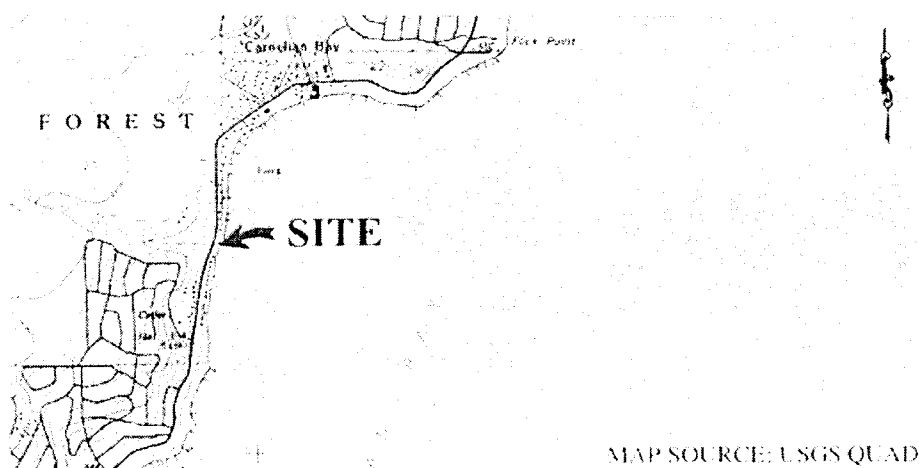
## SITE



4676 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit A**

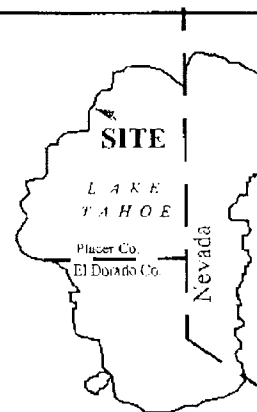
WP 3550.9

CROSSWHITE

APN 115-070-010

RECREATIONAL PIER LEASE

PLACER COUNTY



MJ 09/06